

1300 North Seventeenth Street
Suite 1800
Arlington, Virginia 22209
Phone: (703) 312-6600
Fax: (703) 312-6666

**ANTONELLI,
TERRY, STOUT & KRAUS, LLP**

FAX RECEIVED

JAN 25 2008

OFFICE OF PETITIONS

To: Hon. Commissioner of Patents
Attn: Office of Petitions
Ms. Alicia Brown

From: Donald E. Stout

Fax: (571) 273-0025

Pages: 16 pages

Phone: (571) 272-3282

Date: January 25, 2008

Re: U.S. Serial No. 09/083,180

CC:

Filed: May 22, 1998

ATS&K Ref: 612.36255X00

Urgent **For /Filing** **Please Comment** **Please Reply** **Please Recycle**

*** Comments:**

I hereby certify that the following documents:

- (1) Renewed Petition for Expedited Consideration of August 5, 1999 Response to Notice of Abandonment (2 pgs.), along with
- (2) copy of 10/7/2005 Postcard and Petition for Expedited Consideration of August 5, 1999 Response to Notice of Abandonment (3 pgs.), and
- (3) copy 8/5/1999 Postcard and Response to Notice of Abandonment, including copies of 8/7/1998 Postcard and Response to Notice to file Missing Parts and Late Declaration & copy of Notice of Abandonment (10 pgs.) are being facsimiled to the Office of Petitions of the U.S. Patent and Trademark Office (Fax No. 571/273-0025) on January 25, 2008.



Donald E. Stout, Reg. No. 26,422

If you experience any problem regarding this transmission, please contact Donna ext. 6649

CONFIDENTIALITY NOTICE: The document accompanying this facsimile transmission contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original document to us.

612.36255X00
4130/BA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Marc FLEURY et al	FAX RECEIVED
Serial No.:	09/083,180	JAN 25 2008
Filed:	May 22, 1998	OFFICE OF PETITIONS
For:	IMPROVED DEVICE FOR MEASURING PHYSICAL CHARACTERISTICS OF A POROUS SAMPLE	
Art Unit:	To Be Assigned	
Examiner:	To Be Assigned	

**RENEWED PETITION FOR EXPEDITED CONSIDERATION OF
AUGUST 5, 1999 RESPONSE TO NOTICE OF ABANDONMENT**

MS: PETITIONS, Ms. Alicia Brown
(571) 272-3205
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 25, 2008

Sir:

On October 7, 2005, the undersigned submitted a Petition for Expedited Consideration of the August 5, 1999 Response to Notice of Abandonment which was not acted upon by the U.S. PTO. The October 7, 2005 Petition contained Applicants' August 5, 1999 Response to Notice of Abandonment, including all pertinent papers which had been filed in Applicants' previous Petitions.

The undersigned discussed this matter by telephone on January 25, 2008 with Ms Alicia Brown of the Office of Petitions. She is thanked for the advice provided to the undersigned which is reflected by the enclosed Renewed Petition which submits all previous papers.

Early action on this Petition and activation of the abandoned application to pending status is respectfully requested.

If there are any questions, or further information is needed, the undersigned may be reached by telephone.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (612.36255X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments

DES:dlh

FAX RECEIVED

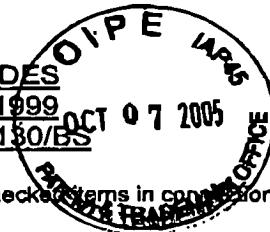
JAN 25 2008

OFFICE OF PETITIONS

Patent Dkt. No. 612.36255X00Application No. 09/083,180Applicants (s) Marc FLEURY, et al.

Papers Filed Herewith on

Receipt is hereby acknowledged of the papers filed as indicated by the checked items in connection with the above-identified application:

 Credit Card Payment Form Request for Continuation Examination Fee Transmittal Form Declaration Assignment Papers Information Disclosure Statement Amendment Claim for Priority Reissue Maintenance FeeAttorney Initials DESFiling Date 5/22/1999Client Ref. No. 4130/ESOctober 7, 2005 Fees \$ Certificate of Correction Replacement Drawings Response of Office Action Petition for Expedited Consideration of 8/5/99

Response to Notice of Abandonment

 PTO 1449 Preliminary Amendment Certified Copy (s) of Priority Sequence Listing Issue Fee Terminal Disclaimer Petition to Make Special Selection of Practitioners

Time (months)

 Cited Reference (s) Supplemental Amend. Notice of Appeal Publication Fee

DUE DATE: N/A

612.36255X00
4130/BA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marc FLEURY et al

FAX RECEIVED

Serial No.: 09/083,180

JAN 25 2008

Filed: May 22, 1998

OFFICE OF PETITIONSFor: IMPROVED DEVICE FOR MEASURING
PHYSICAL CHARACTERISTICS OF
A POROUS SAMPLE

Art Unit: To Be Assigned

Examiner:

**PETITION FOR EXPEDITED CONSIDERATION OF
AUGUST 5, 1999 RESPONSE TO NOTICE OF ABANDONMENT**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 7, 2005

Sir:

On August 5, 1999, Applicants submitted a Response to Notice of Abandonment. A copy is enclosed including the post card receipt of the United States Patent and Trademark Office dated August 7, 1998 showing a Response to Notice to File Missing Parts.

The U.S. PTO has not properly considered the August 5, 1999 Request. Applicants request expedited consideration to reinstate this application to pending status.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filings of this paper, including extension of time fees, to Deposit Account No. 01-2135
(612.36255X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

Attachments

DES:dlh

FAX RECEIVED

JAN 25 2008

OFFICE OF PETITIONS

Patent Trademark 612.36255X00

Serial No. 08/083,180 Filed May 22, 1998

Applicant(s) Marc FLEURY et al

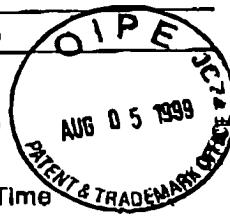
Papers filed herewith on August 5, 1999

Fees \$0.00 Assignment
 New Application Letter to Draftsman
 Amendment Priority Documents
 Notice of Appeal Petition for Ext. of Time
 Appeal Brief Sheets of Formal Drawings

Other Response to Notice of Abandonment,
Copy of 8/7/98 Post Card, Copy of 8/7/98
Response to Notice to File Missing Parts & Lt.
Declaration, (copy of Not. of Aband.) (9 pgs.)

Receipt is hereby acknowledged of the papers filed as indicated in connection with above
Identified case. COMMISSIONER OF PATENTS AND TRADEMARKS

(DES/ak)



FAX RECEIVED

JAN 25 2008

OFFICE OF PETITIONS

612.36255X00

4130/JC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marc FLEURY et al
Serial No.: 08/083,180
Filed: May 22, 1998
For: IMPROVED DEVICE FOR MEASURING PHYSICAL
CHARACTERISTICS OF A POROUS SAMPLE
Attn: Customer Service Center
Initial Patent Examination Division

RESPONSE TO NOTICE OF ABANDONMENT

Assistant Commissioner
for Patents
Washington, D. C. 20231

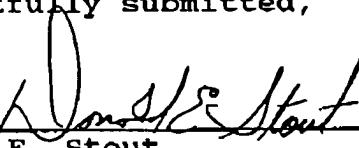
August 5, 1999

Sir:

In response to the Notice of Abandonment mailed July 9, 1999, attached hereto is a copy of Applicants' original Response to Notice to File Missing Parts of Application mailed August 7, 1998 in connection with the above-identified application, Applicants filed therewith an executed Declaration and Power of Attorney for Patent Application in compliance with 37 C.F.R. §1.63. In addition, Applicants submitted a check for \$130.00 to cover the surcharge for the filing of the belated Declaration in accordance with 37 C.F.R. §1.16(e). Also enclosed herewith is a copy of the post card receipt.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (612.36255X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Donald E. Stout

Registration No. 26,422
ANTONELLI, TERRY, STOUT & KRAUS, LLP

Attachments

DES:dlh

FAX RECEIVED

JAN 25 2008

OFFICE OF PETITIONS

Patent Trademark

612.36255X00

Serial No. 09/083,180

Filed May 22, 1998

Applicant(s)

Marc FLEURY et al

Papers filed herewith on

August 7, 1998

 Fees \$ 170.00 Assignment (2 pgs.) \$ 40.00 New Application Letter to Draftsman Amendment Priority Documents AUG 07 1998 Notice of Appeal Petition for Ext. of Time Appeal Brief Sheets of Formal Drawings Other Response to Notice to File Missing Parts,
and Late Declaration (copy of Notice) (5 pgs.)
1429 Fr. Srch Rept., Trans. (7 pgs.) & 2 EPO
& 2 U.S. Refs.Receipt is hereby acknowledged of the papers filed as indicated in connection with above
Identified case.

8/9/98 81 129

COMMISSIONER OF PATENTS AND TRADEMARKS

FAX RECEIVED

JAN 25 2008

OFFICE OF PETITIONS 612.36255X00
4130/JC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marc FLEURY et al
Serial No.: 08/083,180
Filed: May 22, 1998
For: IMPROVED DEVICE FOR MEASURING PHYSICAL
CHARACTERISTICS OF A POROUS SAMPLE
Attn: Customer Service Center
Initial Patent Examination Division

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION -
SUBMISSION OF LATE DECLARATION

Assistant Commissioner
for Patents
Washington, D. C. 20231

August 7, 1998

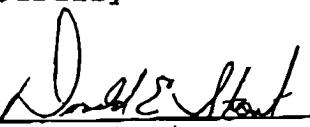
Sir:

In response to the Notice to File Missing Parts of Application dated June 9, 1998 in connection with the above-identified application, Applicants are filing herewith an executed Declaration and Power of Attorney for Patent Application in compliance with 37 C.F.R. §1.63. In addition, Applicants are also submitting a check for \$130.00 to cover the surcharge for the filing of the belated Declaration in accordance with 37 C.F.R. §1.16(e).

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account No. 01-2135 (612.36255X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Donald E. Stout
Registration No. 26,422
ANTONELLI, TERRY, STOUT & KRAUS, LLP

Attachments

DES:dlh

4130/JC

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that :

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled :

IMPROVED DEVICE FOR MEASURING PHYSICAL CHARACTERISTICS OF A POROUS SAMPLE

the specification of which (check one) is attached hereto

was filed on May 22, 1998 _____

as Application Serial No. 09/083,180 _____

And was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed :

Prior Foreign Application (s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
97/06.434	FRANCE	23/05/97	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application :

(Application Serial No.)	(Filing Date)	(Day/Month/Year Filed)
(Application Serial No.)	(Filing Date)	(Day/Month/Year Filed)
(Application Serial No.)	(Filing Date)	(Day/Month/Year Filed)

(Continued on Page 2)

I hereby appoint as principal attorneys: Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,432; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087; James N. Dresser, Reg. No. 22,973 and Carl I. Brundidge, Reg. No. 29,621 to prosecute and transact all business connected with this application and any related United States application and international applications. Please direct all communications to the following address :

ANTONELLI, TERRY, STOUT & KRAUS
Suite 1800
1300 North Seventeenth, Street
Arlington, Virginia 22209
U.S.A.
Telephone : (703) 312-6600
Fax : (703) 312 6666

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Full) Name

(Signature)

Date 29 juin 1998 Inventor Marc FLEURY Marc Fleury

Residence 1 Les Geais, Domaine St François d'Assise Citizenship France

Post Office Address 78170 La Celle Saint Cloud (France)

Date 29 juin 1998 Inventor Gabriel RINGOT Gabriel Ringot

Residence 7, rue Barbes Citizenship France

Post Office Address 92400 Courbevoie (France)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/083, 190	05/22/90	FILED BY	JAN 25 2008 M 612.36255

020457
ANTONELLI, TERRY STOUT KRAUS
1300 NORTH SEVENTEENTH STREET, SUITE 1800
ARLINGTON VA 22209

022270607

NOT ASSIGNED

20557

DATE MAILED:

06/09/98

OFFICE OF PETITIONS

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed) non-small entity is \$ 130.00.

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.

does not cover the newly submitted items.
 does not identify the application to which it applies.
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

G. Miller

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FLING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
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FAX RECEIVED

09/083, 180 05/22/98 FLEURY

JAN 25 2008

M

612.36255X00

020457 0212/01/08
 ANTONELLI TERRY STOUT AND KRAUS
 SUITE 1800
 1300 NORTH SEVENTEENTH STREET
 ARLINGTON VA 22209

OFFICE OF PETITIONS 612.36255X00

NOT ASSIGNED

elect filed 8-7-198

0000

DATE MAILED:

01/08

07/09/99

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)
(Filing Date Granted)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on June 2, 1998.

No reply was received.

The reply received on _____ was untimely.

The reply received on _____ was improper. The reply did not include:

1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.

2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.

3. The full amount of the basic filing fee under 37 CFR 1.16 (a), (f), (g), (k).
(Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(l). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).

4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.

The letter of Express Abandonment filed on _____ is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

C. Signatures

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2-COPY TO BE RETURNED WITH RESPONSE